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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,393	03/12/2004	Michael Naimark	345288017US	7182

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PERKINS COIE LLP  
PATENT-SEA  
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SEATTLE, WA 98111-1247

EXAMINER
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ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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08/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/800,393	Applicant(s) NAIMARK ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-32, 34-44, 46-51 and 53-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32, 34-44, 46-51, and 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Remarks**

1. In response to Applicant's Amendment filed on August 10, 2007, claims 21-32, 34-44, 46-51, and 53-55 remain pending for examination in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-32, 34-44, 46-51, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6, 385,619 B1) in view of Dey et al. (U.S. Patent No. 6,757,866 B1), and further in view of Hunt et al. (U.S. Patent No. 5,893,091).

As to claims 21, 40, and 47, Eichstaedt et al. discloses a method of notifying a participant that a network accessible item is of current interest, including:

receiving from the participant an indication of interest in one or more interest categories  
(See Eichstaedt et al. column 3, lines 10-20);

receiving from an altering user an alert regarding the network accessible item (See Eichstaedt et al. Abstract; see Eichstaedt et al. column 1, lines 43-55), wherein:

the altering user is not the participant (See Eichstaedt et al. Figure 2, "alerts" are broadcast through the Web server 58);

the alert is based on a change in the content of the network accessible item (See Eichstaedt et al. column 4, lines 45-55);

processing the alert (See Eichstaedt et al. column 3, lines 20, wherein “processing” reads on “analyzing and profile generating”), wherein the processing includes:

assigning at least one interest category to the network accessible item (See Eichstaedt et al. column 4, lines 31-39); and

notifying the participant that the network accessible item is of current interest (See Eichstaedt et al. Fig. 2, element 64; see Eichstaedt et al. column 1, lines 56-62; also see Eichstaedt et al. column 3, lines 18-20), wherein:

the network accessible item is associated with at least one interest category in which the participant previously indicated interest (See Eichstaedt et al. column 3, lines 39-52).

Eichstaedt et al. discloses the claimed invention except for real-time alerts. Eichstaedt et al. does not explicitly teach real-time alerts; and the item is associated with content that changes over time and the alert indicates that the content of the item at *the* current time is of interest, calculating a list rank value for the network accessible item, wherein the calculating is based at least in part on the network accessible item’s assigned at least one interest category; and the notifying is based on at least in part on the network accessible item’s calculated list rank value. However, he teaches pre-defined period of time are set for notification based on Web pages (i.e. can be real-time or current time) in column 5, lines 3-8.

Dey et al. teaches real-time alerts (See Dey et al. column 2, lines 20-24, and see Dey et al. column 2, lines 38-42); and

the item is associated with content that changes over time and the alert indicates that the content of the item at the current time is of interest (See Dey et al. Abstract, also see Dey et al. column 4, lines 8-16); and

calculating a list rank value for the network accessible item, wherein the calculating is based at least in part on the network accessible item's assigned at least one interest category (See Dey et al. column 4, lines 30-38, also see Dey et al. column 12, lines 30-34); and

the notifying is based on at least in part on the network accessible item's calculated list rank value (See Dey et al. column 11, lines 63-67, and see Dey et al. column 6, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Eichstaedt et al. by the teaching of Dey et al. to include real-time alerts; and the item is associated with content that changes over time and the alert indicates that the content of the item at *the* current time is of interest and calculating a list rank value for the network accessible item, wherein the calculating is based at least in part on the network accessible item's assigned at least one interest category because it provides for current and more accurate customized content and coherent means for filtering what information is received and intelligently responded to as well as accessing specific type of document within a collection (See Dey et al. column 2, lines 1-13, also see Dey et al. column 2, lines 53-67).

Eichstaedt et al. as modified teaches the claimed invention but does not explicitly teach participant at first location, alerting user at a second location, and processing the alert at a third location different from the first and second locations.

Hunt et al. teaches participant at first location (See Hunt et al. column 5, lines 34-36, wherein the "first location" is read on "client"/subscriber), alerting user at a second location (See

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Hunt et al. column 8, lines 6-15, wherein the “second location” is read on the “timely service providers”), and processing the alert at a third location different from the first and second locations (See Hunt et al. column 5, lines 5-11, wherein “third location” is read on “server”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Eichstaedt et al. as modified by the teaching of Hunt et al. to include participant at first location, alerting user at a second location, and processing the alert at a third location different from the first and second locations because it provides for more efficient accessibility and accurate up-to-date information (See Hunt et al. column 4, lines 29-34).

As to claims 22, 41, and 48, Eichstaedt et al. as modified discloses wherein the item is identified by a Universal Resource Locator (URL) (See Eichstaedt et al. column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL, also see Dey et al. column 24-33, teaches URL).

As to claim 23, Eichstaedt et al. as modified discloses wherein the item includes dynamic content (See Eichstaedt et al. column 5, lines 58-60; where system works in an HTML and XML browser environment implies the topics can be identified by URL which is also dynamic Web content, also see Dey et al. column 2, lines 1-13).

As to claim 24, Eichstaedt et al. as modified discloses wherein the alert includes an interest category assigned by the alerting user (See Eichstaedt et al. column 2, lines 42-48, also see Dey et al. column 2, lines 16-24, and Dey et al. column 2, lines 33-48).

As to claims 25, 42, and 49, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an alert intensity (See Eichstaedt et al. column 3, lines 29-38, wherein “alerting intensity” reads on “numerical value”, also see Eichstaedt et al. column 3, lines 49-54)

As to claim 26, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an alert intensity based at least in part on the alerting user’s identity (See Eichstaedt et al. Figure 2, 62, and see Eichstaedt et al. column 3, lines 15-20, wherein “identity” reads on “profile”).

As to claims 27, 43, and 50, Eichstaedt et al. as modified discloses wherein processing the alert includes updating a timestamp (See Eichstaedt et al. column 4, lines 4-10, also see Eichstaedt et al. column 5, lines 2-10).

As to claim 28, Eichstaedt et al. as modified discloses further including storing data associated with the alert (See Eichstaedt et al. column 3, lines 7-25, also see Dey et al. column 18, lines 52-63).

As to claim 29, Eichstaedt et al. as modified discloses the alert includes using data associated with a previous alert (See Eichstaedt et al. column 4, lines 4-10, also see Eichstaedt et al. column 5, lines 2-10, also see Dey et al. column 17, lines 9-16).

As to claims 30, 44, and 51, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an intensity rank (See Eichstaedt et al. column 3, lines 49-53; where “intensity rank” is read on “weight”).

As to claim 31, Eichstaedt et al. as modified discloses wherein processing the alert includes determining an intensity rank that decays exponentially with time (See Eichstaedt et al. column 4, lines 4-8).

As to claim 32, Eichstaedt et al. as modified discloses wherein processing the alert includes:

determining an intensity rank (See Eichstaedt et al. column 4, lines 44-47); and  
in the event the intensity rank is below a threshold, deleting data associated with the item (See Eichstaedt et al. column 4, lines 50-67, wherein threshold is used to calculate the relevance of the content).

As to claim 34, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least



in part on at least one interest category in which the participant previously indicated interest (See Eichstaedt et al. column 3, lines 49-60).

As to claim 35, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least in part on intensity rank (See Eichstaedt et al. column 4, lines 31-47, also see Eichstaedt et al. column 5, lines 15-20).

As to claim 36, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are ordered with respect to each other (See Eichstaedt et al. column 1, lines 46-55; where “intensity rank” is read on “interest score”).

As to claim 37, Eichstaedt et al. as modified discloses wherein the participant is notified about a plurality of items of current interest and the plurality of items are selected based at least in part on a sensitivity level associated with the participant (See Eichstaedt et al. column 4, lines 4-28; and see Eichstaedt et al. column 4, lines 31-55, also see Eichstaedt et al. column 5, lines 2-29).

As to claims 38, 39, 46, and 53, Eichstaedt et al. as modified discloses further including displaying to the participant content associated with the item of interest (See Eichstaedt et al. column 1, lines 41-44; also see Eichstaedt et al. column 2, lines 15-19).

***Response to Arguments***

4. Applicant's arguments with respect to claims 21-32, 34-44, 46-51, and 53-55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

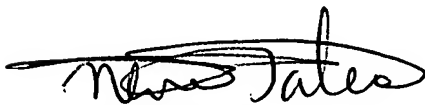
Ford et al. (U.S. Patent No. 6,963,867 B2) teaches presenting category ranked search results.

Pass (U.S. Patent No. 7,062,484 B2) teaches interactive wireless devices to online system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neveen Abel-Jalil  
Primary Examiner  
August 15, 2007